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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,215	10/19/2001	Katsushi Ito	100809-16314(SCEY 19.080	5361

26304 7590 05/28/2004

KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER

MAGEE, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 05/28/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/012,215

Applicant(s)

ITO ET AL.

Examiner

Christopher R. Magee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Specification

1. The title of the invention is not descriptive as noted in Paper No. 5, dated 12/18/2003. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al. (hereinafter Soga) (US 5,737,304) in view of Kiyoshi et al. (hereinafter Kiyoshi) (JP 10-208357).

- Regarding claims 1, 5, and 9, Soga shows a disk drive comprising:

A main apparatus frame comprising (Fig. 25 and 26):

a disk tray 2 causing a disk to move between a stored position and a drawn-up position relative to the main apparatus, the disk tray comprising one surface on which the disk is placed;

a disk rotational drive mechanism 12 rotationally driving the disk;

an optical pickup mechanism 7 performing at least one of reading stored information from the disk and writing information onto the disk;

a movable member 9 supporting the disk rotational drive mechanism and the optical pickup mechanism, the movable member being rotatably supported at one end thereof relative to the frame of the main apparatus;

an elevator drive mechanism (142; 143; and M5) bringing the disk rotational drive mechanism and the optical pickup mechanism closer to or farther away from the disk, with the movable member 9 free to rise and fall ; and

a vibration-absorbing member 123 (i.e., insulator, col. 16, lines 5-10 and lines 31-33) provided to the other end of the movable member 9 (Figs. 25 and 26).

- Regarding claims 2, 6 and 13, Soga shows the movable member has protrusion including a rising piece and an attachment piece, which extends from an end of the rising piece toward the one end of the movable member, and the vibration-absorbing member is attached to the attachment piece (Fig. 26).

- Regarding claims 3, 7 and 14, Soga shows the vibration-absorbing member 123 comprises an annular resilient member buried in the protrusion (Fig. 25).

- Regarding claims 4, 8 and 15, Soga shows vibration-absorbing member 123 comprises a resilient member, which is inserted into a hole provided in the protrusion (Fig. 25).

- Regarding claim 10, Soga shows the protrusion extends toward an end of the movable member 9 from another end thereof (Fig. 25).

- Regarding claim 11, Soga shows the protrusion is disposed substantially parallel to the disk in the stored position (Fig. 26).

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- Regarding claim 12, Soga shows the movable member 9 having a sidewall on the other end thereof, the protrusion extending as one therewith from an edge of the sidewall (Figs. 25 and 26).

Nevertheless, Soga does not show when the disk is moved to the stored position; the vibration-absorbing member 9 comes into contact with another surface of the disk tray.

Kiyoshi teaches a projection 91, made from metal or synthetic resin (i.e. rubber, plastic, nylon, etc.) that protrudes on the top face of object 25 and applies pressure to disk tray 4 to reduce vibrations and abolish noise generation (Kiyoshi English translation, sections 0042-0043).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the vibration absorbing member of Soga contact the disk tray surface as taught by Kiyoshi.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to make the vibration absorbing member of Soga contact the disk tray surface as taught by Kiyoshi in order to apply pressure to the disk tray so that vibrations are reduced and noise generation is abolished (Kiyoshi English translation, sections 0042-0043).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 5 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher R. Magee
Patent Examiner
Art Unit 2653

May 19, 2004



GEORGE J. LETSCHER
PRIMARY EXAMINER